

C.P.C.

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Misc. Appeal No. 398 OF 2002

(Misc. Appeal Under Order 43 Rule 1 (r) of C.P.C.)

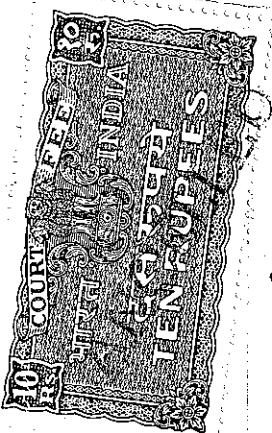
APPELLANT
PLAINTIFF

: Laxmi Prakash Jaiswal S/o Kallu Ram Jaiswal, aged about 40 years, Excise Contractor Resident of Nagar Boripara Ambikapur, District Sarguja (CG).

Versus

RESPONDENTS
DEFENDANTS

- : 1. Hari Mohan Shivhare S/o Shyamlal Shivhare, aged about 30 years, Excise (Wine) Contractor, Ambikapur, District Sarguja (CG) Premanent R/o Raja Mandi Gwalior (MP) presently residing at Datta Colony P.G. College Ke Samne, District Sarguja (CG).
2. District Excise Officer, Ambikapur, District Sarguja (CG).
3. District Treasury Officer Ambikapur, District Sarguja (CG).
4. State of Chhattisgarh, through Collector Sarguja (Excise). (CG).



P.R. No. 1060/r
Prescribed by Sd/- J. Jaiswal
dated 22-10-2002

MEMORANDUM OF APPEAL UNDER ORDER 43 RULE 1 (r) OF C.P.C.

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>17.7.2002</u> Appellant by Shri Prashant Mishra, Advocate. Respondents No. 2 to 4 by Shri Ranbir Singh, Govt. Advocate. Heard. Counsel for the appellant submits that during the pendency of the appeal the State has paid certain amount to the Respondent No.1. He submits that the amount may not be recoverable from the Respondent No.1. So far as this aspect is concerned the appellant may make suitable application under Order 38 of C.P.C. If such application is filed, it shall be considered and decided in accordance with law on its own merit by the trial Court. With the above observation this appeal is disposed of at this stage. Certified copy, as per Rules.	Sd/- Fakhruddin Judge

Thakur.